



February 22, 2013  
Digest Correction

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## SENATE JOINT RESOLUTION No. 18

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DIGEST OF SJ 18 (Updated February 22, 2013 6:41 pm - DI 51)

**Synopsis:** Article V convention. Makes application to Congress to call a constitutional convention for the purpose of proposing amendments to the Constitution of the United States concerning limitation of the commerce and taxing powers of Congress.

**Effective:** A constitutional convention is called when two-thirds of the state legislatures make application to Congress to call a constitutional convention to consider an amendment to the Constitution of the United States.

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January 7, 2013, read first time and referred to Committee on Rules and Legislative Procedure.  
February 21, 2013, amended, reported favorably — Do Pass.

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February 22, 2013  
Digest Correction

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

## SENATE JOINT RESOLUTION No. 18

A JOINT RESOLUTION requesting Congress to call a constitutional convention for the purpose of proposing amendments to the Constitution of the United States concerning limitation of the commerce and taxing powers of Congress.

*Be it resolved by the General Assembly of the State of Indiana:*

- 1 SECTION 1. (a) That the General Assembly finds and declares that
- 2 this resolution is passed in accordance with the method provided to
- 3 states in Article V of the Constitution of the United States for
- 4 proposing amendments to the Constitution of the United States.
- 5 (b) That the General Assembly further declares that such a step is
- 6 necessary to restore the operation of the constitutional system of the
- 7 United States according to the intent of those who created it; that is, to
- 8 return to an appropriate balance between the federal government and
- 9 the states by specifically defining, and in so doing, limiting certain
- 10 powers of the federal government.
- 11 (c) That the General Assembly further declares that the convention for
- 12 proposing amendments called for in this resolution shall be

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understood to be strictly confined to consideration of amendments concerning the limitation of the commerce and taxing powers of Congress.

(d) That the General Assembly further declares that state delegations to an Article V convention for proposing amendments should be limited in size and that for purposes of voting on amendments proposed at such a convention, each state should have one vote, regardless of the size of its delegation.

SECTION 2. That the General Assembly of the State of Indiana makes application to the Congress of the United States for a convention under Article V of the Constitution of the United States for the specific and exclusive purpose of proposing amendments to the Constitution of the United States to limit certain powers of Congress.

SECTION 3. That this application is for a convention limited to considering and proposing amendments on the following topics:

(1) Additional limitation of the power of the Congress to regulate commerce among the several states under Article I, Section 8, Clause 3 of the Constitution of the United States.

(2) Additional limitation of the power of the Congress to tax under Article I of the Constitution of the United States and under the Sixteenth Amendment to the Constitution of the United States.

SECTION 4. That this application shall be considered an application for a convention to address each of the subjects stated in SECTION 3 of this resolution. For purposes of determining whether two-thirds (2/3) of the states have applied for a convention addressing any subject, this application is to be aggregated with the applications of any other state legislatures limited to one (1) or more of the subjects stated in SECTION 3 of this resolution.

SECTION 5. That this resolution is a continuing application and remains in effect until its rescission by the Indiana General Assembly or as otherwise provided by Indiana law. This application does not constitute a recognition that any particular activity or activities currently undertaken by the federal government is or are authorized by the Constitution of the United States.

SECTION 6. That the Principal Secretary of the Indiana Senate send certified copies of this resolution to each of the following:

- (1) The President and the Secretary of the United States Senate.
- (2) The Speaker and the Clerk of the House of Representatives of the United States Congress.
- (3) Each of the members of Indiana's congressional delegation.
- (4) The presiding officers of each legislative chamber of the several states, requesting their cooperation.



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## COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Joint Resolution No. 18, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution be AMENDED as follows:

Delete the title and insert the following:

A JOINT RESOLUTION requesting Congress to call a constitutional convention for the purpose of proposing amendments to the Constitution of the United States concerning limitation of the commerce and taxing powers of Congress.

Page 1, delete lines 1 through 6, begin a new paragraph and insert: "SECTION 1. (a) That the General Assembly finds and declares that this resolution is passed in accordance with the method provided to states in Article V of the Constitution of the United States for proposing amendments to the Constitution of the United States.

(b) That the General Assembly further declares that such a step is necessary to restore the operation of the constitutional system of the United States according to the intent of those who created it; that is, to return to an appropriate balance between the federal government and the states by specifically defining, and in so doing, limiting certain powers of the federal government.

(c) That the General Assembly further declares that the convention for proposing amendments called for in this resolution shall be understood to be strictly confined to consideration of amendments concerning the limitation of the commerce and taxing powers of Congress.

(d) That the General Assembly further declares that state delegations to an Article V convention for proposing amendments should be limited in size and that for purposes of voting on amendments proposed at such a convention, each state should have one vote, regardless of the size of its delegation.

SECTION 2. That the General Assembly of the State of Indiana makes application to the Congress of the United States for a convention under Article V of the Constitution of the United States for the specific and exclusive purpose of proposing amendments to the Constitution of the United States to limit certain powers of Congress.

SECTION 3. That this application is for a convention limited to considering and proposing amendments on the following topics:

- (1) Additional limitation of the power of the Congress to regulate commerce among the several states under Article I, Section 8, Clause 3 of the Constitution of the United States.

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(2) Additional limitation of the power of the Congress to tax under Article I of the Constitution of the United States and under the Sixteenth Amendment to the Constitution of the United States.

SECTION 4. That this application shall be considered an application for a convention to address each of the subjects stated in SECTION 3 of this resolution. For purposes of determining whether two-thirds (2/3) of the states have applied for a convention addressing any subject, this application is to be aggregated with the applications of any other state legislatures limited to one (1) or more of the subjects stated in SECTION 3 of this resolution.

SECTION 5. That this resolution is a continuing application and remains in effect until its rescission by the Indiana General Assembly or as otherwise provided by Indiana law. This application does not constitute a recognition that any particular activity or activities currently undertaken by the federal government is or are authorized by the Constitution of the United States.

SECTION 6. That the Principal Secretary of the Indiana Senate send certified copies of this resolution to each of the following:

- (1) The President and the Secretary of the United States Senate.
- (2) The Speaker and the Clerk of the House of Representatives of the United States Congress.
- (3) Each of the members of Indiana's congressional delegation.
- (4) The presiding officers of each legislative chamber of the several states, requesting their cooperation."

and when so amended that said bill do pass.

(Reference is to SJR 18 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 4.

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